

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ATMEL CORPORATION, et al.,

No. C-06-02138 CW (EDL)

Plaintiffs,

**ORDER RE: PARTIES' FEBRUARY 19  
AND 20, 2008 LETTERS**

v.

AUTHENTEC INC,

Defendant.

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On February 19, 2008, Defendant faxed a letter to the Court informing the Court of another discovery dispute with respect to Plaintiffs' response to two court-ordered Requests for Admission. Defendant seeks to be relieved of the in-person meet and confer requirement imposed by the Court and to be given leave to file a motion for terminating sanctions on shortened time. Pursuant to the Court's Order, Plaintiffs filed a response on February 20, 2008.

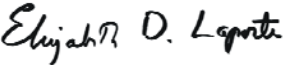
Given the unavailability of lead counsel for both parties, the Court relieves the parties of the in-person meet and confer requirement for this discovery dispute. However, lead counsel shall meet and confer in good faith by telephone no later than February 28, 2008. If any dispute remains, Defendant may file a motion for sanctions no later than March 4, 2008, which will be heard on March 18, 2008 at 9:00 a.m. Plaintiffs shall file an opposition no later than March 7, 2008 and Defendant may file a reply no later than March 11, 2008.

On the one hand, the Court notes that terminating sanctions are extreme, and counsel should also address the prospect of lesser sanctions. On the other hand, the Court is troubled by what

1 appears to be Plaintiffs' failure to comply with the Court's order with respect to its response to the  
2 Requests for Admission, after Plaintiffs did not raise any objections to the Requests as rephrased by  
3 the Court at the hearing.

4 **IT IS SO ORDERED.**

5 Dated: February 21, 2008

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge